

IN THE UNITED STATES PATENT OFFICE

In re Application of

KAPLAN, Joshua D.

Serial No. 09/412,404

Filed: October 5, 1999

For: **NETWORK APPARATUS AND
METHOD FOR PREVIEW OF
MUSIC PRODUCTS AND
COMPILATION OF MARKET
DATA**



Group Art Unit: 2165

Examiner: FADOK, Mark A.

TERMINAL DISCLAIMERCERTIFICATE OF MAILING

I hereby certify that the correspondence enclosed herein is being deposited as first class mail with the United States Postal Service on this date February 27, 2002, in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231.

By: 

Andrew B. Schwaab

Commissioner for Patents
Washington, D.C. 20231

Sir:

Intouch Group, Inc. is the owner of 100% interest in the above-entitled application. Applicant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Application 08/741,915, filed on October 31, 1996, U.S. Patent No. 5,963,916. Applicant hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, applicant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is

statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

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Dated: February 27, 2002

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